

**R315. Environmental Quality, Solid and Hazardous Waste.**

**~~[R315-5. Hazardous Waste Generator Requirements.~~**

**~~R315-5-1. General.~~**

~~1.10 PURPOSE, SCOPE, AND APPLICABILITY.~~

~~(a) R315 5 establishes standards for generators of hazardous waste.~~

~~(b) R315 2 5, which incorporates by reference, 40 CFR 261.5(c) and (d), must be used to determine the applicability of provisions of R315 5 that are dependent on calculations of the quantity of hazardous waste generated per month.~~

~~(c) A generator who treats, stores, or disposes of hazardous waste on site shall only comply with the following sections of this rule with respect to that waste: R315 5 1.11, which incorporates by reference 40 CFR 262.11, for determining whether or not he has a hazardous waste, R315 5 1.12 for obtaining an EPA identification number, R315 5 3.34 for accumulation of hazardous waste, R315 5 4.40(c) and (d) for recordkeeping, R315 5 4.43 for additional reporting, and if applicable, R315 5 7 for farmers.~~

~~(d) Any person who exports or imports hazardous waste as identified in R315 5 8, which incorporates by reference 40 CFR 262.80(a), and is subject to the manifesting requirements of R315 5, or subject to the universal waste management standards as found in R315 16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315 5 5 incorporates by reference, for recovery shall comply with R315 5 8, which incorporates by reference 40 CFR 262 subpart H.~~

~~(e) Any person who imports hazardous waste into the United States shall comply with the standards applicable to generators established in R315 5.~~

~~(f) A farmer who generates waste pesticides which are hazardous wastes and who complies with all the requirements of R315 5 7 is not required to comply with other standards in this rule or R315 3, R315 7, R315 8, or R315 13, which incorporates by reference 40 CFR 268, with respect to these pesticides.~~

~~(g) A person who generates a hazardous waste as defined by R315 2 is subject to the compliance requirements and penalties prescribed in The Utah Solid and Hazardous Waste Act if he does not comply with the requirements of this rule.~~

~~A generator who treats, stores, or disposes of hazardous waste on site shall comply with the applicable standards and permit requirements set forth in R315 3, R315 7, and R315 8.~~

~~(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in R315 5.~~

~~The provisions of R315 5 3.34, which incorporates by reference 40 CFR 262.34, are applicable to the on site accumulation of hazardous waste by generators. Therefore, the provisions of R315 5 3.34, which incorporates by reference 40 CFR 262.34, only apply to owners or operators who are shipping hazardous waste which they generated at that facility.~~

~~A generator who treats, stores, or disposes of hazardous waste on site shall comply with the applicable standards and permit requirements set forth in R315 3, R315 7, R315 8, R315 13, which incorporates by reference 40 CFR 268, and R315 14.~~

~~—— (i) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of R315 5 9, which incorporates by reference 40 CFR 262.200—262.216, are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in 40 CFR 262.200):~~

~~—— (1) The requirements of R315 5 1.11 or R315 5 3.34, which incorporates by reference 40 CFR 262.34(c), for large quantity generators and small quantity generators, except as provided in R315 5 9, which incorporates by reference 40 CFR 262.200—216, and~~

~~—— (2) The conditions of R315 2 5, which incorporates by reference 40 CFR 261.5(b), for conditionally exempt small quantity generators, except as provided in R315 5 9, which incorporates by reference 40 CFR 262.200—216.~~

#### ~~—— 1.11 HAZARDOUS WASTE DETERMINATION~~

~~—— The requirements of 40 CFR 262.11, 1994 ed., as amended by 60 FR 25540, May 11, 1995, are adopted and incorporated by reference with the following exception:~~

~~—— Substitute "Director" for all federal regulation references made to "Administrator".~~

#### ~~—— 1.12 EPA IDENTIFICATION NUMBERS~~

~~—— (a) A generator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Director.~~

~~—— (b) A generator who has not received an EPA identification number may obtain one by applying to the Director using EPA form 8700 12. Upon receiving the request the Director will assign an EPA identification number to the generator.~~

~~—— (c) A generator shall not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that do not have an EPA identification number.~~

### **~~R315-5-2. The Manifest.~~**

~~—— A sample hazardous waste manifest form containing information required pursuant to these rules is found in the Appendix to 40 CFR 262. All applicable sections of each manifest shall be completely and legibly filled out.~~

#### ~~—— 2.20 GENERAL REQUIREMENTS~~

~~—— (a) A generator who transports, or offers for transportation, a hazardous waste for off site treatment, storage, or disposal or a treatment, storage, or disposal facility who offers for transport a rejected hazardous waste load shall prepare a Manifest OMB control number 2050 0039 on EPA form 8700 22, and, if necessary, EPA form 8700 22A, according to the instructions included in 40 CFR 262, Appendix, 2009 ed. The requirements of 40 CFR 262, Appendix, 2009 ed., are adopted and incorporated by reference with the following exception: substitute "Director of the Division of Solid and Hazardous Waste" for all federal regulation references made to "Regional Administrator."~~

~~—— (b) A generator shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.~~

~~—— (c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an~~

~~emergency prevents delivery of the waste to the primary designated facility.~~

~~— (d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.~~

~~— (e) These manifest requirements do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:~~

~~— (1) The waste is reclaimed under a contractual agreement pursuant to which:~~

~~— (i) The type of waste and frequency of shipments are specified in the agreement;~~

~~— (ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and~~

~~— (2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.~~

~~— (f) The requirements of R315 5 2 and R315 5 3.32(b) do not apply to the transport of hazardous wastes on a public or private right of way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right of way. Notwithstanding R315 6 1.10(a), the generator or transporter shall comply with the requirements for transporters set forth in R315 9 1 and R315 9 3 in the event of a discharge of hazardous waste on a public or private right of way.~~

## ~~2.21 MANIFEST TRACKING NUMBERS, MANIFEST PRINTING, AND OBTAINING MANIFESTS~~

~~The requirements of 40 CFR 262.21, 2005 ed., are adopted and incorporated by reference.~~

## ~~2.22 NUMBER OF COPIES~~

~~The manifest shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.~~

## ~~2.23 USE OF THE MANIFEST~~

~~(a) The generator shall:~~

~~(1) Sign the manifest certification by hand; and~~

~~(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and~~

~~(3) Retain one copy, in accordance with R315 5 4.40(a).~~

~~(b) The generator shall give the transporter the remaining copies of the manifest.~~

~~(c) Hazardous wastes to be shipped within Utah solely by water (bulk shipments only) require that the generator send three copies of the manifest dated and signed in accordance with this section to the owner and operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.~~

~~(d) For rail shipments of the hazardous wastes within Utah which~~

~~originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:~~

- ~~— (1) The next non rail transporter, if any; or~~
- ~~— (2) The designated facility if transported solely by rail; or~~
- ~~— (3) The last rail transporter to handle the waste in the United States if exported by rail.~~

~~— (e) The generator shall include on the manifest a description of the hazardous waste(s) as set forth in the regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203.~~

~~— (f) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained federal authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out of state transporter signs and forwards the manifest to the designated facility.~~

~~— (g) For rejected shipments of hazardous waste or container residues contained in non empty containers that are returned to the generator by the designated facility, following the procedures of R315 7 12.3(f) or R315 8 5. 4(f), the generator shall:~~

- ~~— (1) Sign either:~~
  - ~~— (i) Item 20 of the new manifest if a new manifest is used for the returned shipment; or~~
  - ~~— (ii) Item 18c of the original manifest if the original manifest is used for the returned shipment;~~
- ~~— (2) Provide the transporter a copy of the manifest;~~
- ~~— (3) Within 30 days of delivery of the rejected shipment or container residues contained in non empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and~~
- ~~— (4) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.~~

#### ~~2.27 WASTE MINIMIZATION CERTIFICATION~~

~~A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:~~

~~— (a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or~~

~~— (b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."~~

### **~~R315-5-3. Pre-Transport Requirements.~~**

#### ~~3.30 PACKAGING~~

~~Prior to transporting or offering hazardous waste for transportation off site, a generator shall package the waste in accordance with the Department of Transportation regulations on packaging under 49 CFR 173, 178, and 179.~~

#### ~~3.31 LABELING~~

~~— Prior to transporting or offering hazardous waste for transportation off site, a generator shall label each hazardous waste package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR 172.~~

#### ~~— 3.32 MARKING~~

~~— (a) Before transporting or offering hazardous waste for transportation off site, a generator shall mark each package of hazardous waste in accordance with the Department of Transportation regulations on hazardous materials under 49 CFR 172.~~

~~— (b) Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304:~~

~~— HAZARDOUS WASTE — Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.~~

~~— Generator's Name and Address~~

~~— Generator's EPA Identification Number~~

~~— Manifest Tracking Number~~

#### ~~— 3.33 PLACARDING~~

~~— Prior to transporting hazardous waste or offering hazardous waste for transportation off site, a generator shall placard or offer the initial transporter the appropriate placards according to the Department of Transportation regulations for the movement of hazardous materials under 49 CFR 172, subpart F.~~

#### ~~— 3.34 ACCUMULATION TIME~~

~~— (a) These requirements as found in 40 CFR 262.34, 2010 ed., are adopted and incorporated by reference with the following addition.~~

~~— (b) The notification required by 40 CFR 262.34(d)(5)(iv)(C) shall also be made to the Director or to the 24 hour answering service listed in R315-9-1(b).~~

### **~~R315-5-4. Recordkeeping and Reporting.~~**

#### ~~— 4.40 RECORDKEEPING~~

~~— (a) A generator shall keep a copy of each manifest signed in accordance with R315-5-2.23(a) for three years or until a signed copy is received from the designated facility which received the waste. The signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.~~

~~— (b) A generator shall keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.~~

~~— (c) Records maintained in accordance with this section and any other records which the Director deems necessary to determine quantities and disposition of hazardous waste or other determinations, test results, or waste analyses made in accordance with R315-5-1.11, which incorporates by reference 40 CFR 262.11, shall be available for inspection by any duly authorized officer, employee or representative of the Department or the Director as provided in R315-2-12 for a period of at least three years from the date the waste was last sent to on site or off site treatment, storage, or disposal facilities.~~

~~—— (d) The periods of retention referred to in this section are automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Director or the Director's duly appointed representative.~~

#### ~~—— 4.41 BIENNIAL REPORTING~~

~~—— (a) A generator who ships any hazardous waste off site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a biennial report to the Director by March 1 of each even numbered year. The biennial report shall be submitted on EPA Form 8700-13A and must cover generator activities during the previous calendar year, and must include the following information:~~

~~—— (1) The EPA identification number, name, and address of the generator;~~

~~—— (2) The calendar year covered by the report;~~

~~—— (3) The EPA identification number, name, and address for each off site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;~~

~~—— (4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;~~

~~—— (5) A description, EPA hazardous waste number, from R315-2-9, R315-2-10, or R315-2-11, DOT hazard class, and quantity of each hazardous waste shipped off site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA Identification number of each off site facility to which waste was shipped;~~

~~—— (6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;~~

~~—— (7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available for years prior to 1984;~~

~~—— (8) The certification signed by the generator or authorized representative.~~

~~—— (b) Any generator who treats, stores, or disposes of hazardous waste on site shall submit a biennial report covering those wastes in accordance with the provisions of R315-3, R315-7, and R315-8. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth in R315-5-5, which incorporates by reference 40 CFR 262.56.~~

#### ~~—— 4.42 EXCEPTION REPORTING~~

~~—— (a)(1) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated treatment, storage or disposal facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.~~

~~—— (2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month shall submit an Exception Report to the Director if he has not received a signed copy of the manifest from the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The~~

~~Exception Report shall consist of a legible copy of the manifest for which the generator does not have confirmation of delivery and a cover letter signed by the generator or his authorized representative explaining the efforts taken by the generator to locate the hazardous waste, and the results of those efforts.~~

~~(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Director. The submission to the Director need only be a hand written or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.~~

~~(c) For rejected shipments of hazardous waste or container residues contained in non empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of R315 8 5.4(e)(1) through (6) or R315 7 12.3(e)(1) through (6)), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:~~

~~(1) The copy of the manifest received by the generator must have the hand written signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and~~

~~(2) The 35/45/60 day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.~~

~~Note to paragraph (c): The submission to the Director need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.~~

#### ~~4.43 ADDITIONAL REPORTING~~

~~The Director may require generators to furnish additional reports concerning the quantities and disposition of hazardous wastes identified or listed in Section R315 2 9, R315 2 10, or R315 2 11.~~

#### ~~4.44 SPECIAL REQUIREMENTS FOR GENERATORS OF BETWEEN 100 AND 1000 KG/MO~~

~~A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is subject only to the following requirements in R315 5 4:~~

~~(a) R315 5 4.40(a), (c), and (d);~~

~~(b) R315 5 4.42(b); and~~

~~(c) R315 5 4.43.~~

### **~~R315-5-5. Exports of Hazardous Waste.~~**

~~The provisions of 40 CFR 262 subpart E, 262.50—262.58, 2005 ed., are adopted and incorporated by reference within this rule, except for the following changes:~~

~~— (a) Other than in 40 CFR 262.53 and 262.54(e), substitute "Director of the Division of Solid and Hazardous Waste" for all references to "EPA" or "Regional Administrator".~~

~~— (b) Paragraph 40 CFR 262.58(a) shall be as follows:~~

~~— Any person who exports or imports hazardous waste as identified in 40 CFR 262.80(a) and is subject to the manifesting requirements of R315-5-2, or subject to the universal waste management standards as found in R315-16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315-5-5 incorporates by reference, for recovery shall comply with R315-5-8, which incorporates by reference 40 CFR 262 subpart H. The requirements of subparts E and F do not apply.~~

**~~R315-5-6. Imports of Hazardous Waste.~~**

~~— The requirements of 40 CFR 262.60, 2010 ed., are adopted and incorporated by reference.~~

**~~R315-5-7. Farmers.~~**

~~— A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this rule or other standards in R315-3, R315-7, R315-8, and R315-13, which incorporates by reference 40 CFR 268, for those wastes provided he triple rinses each emptied pesticide container in accordance with R315-2-7(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.~~

**~~R315-5-8. Transfrontier Shipments of Hazardous Waste for Recovery within the OECD.~~**

~~— The requirements of 40 CFR 262 subpart H, 262.80—262.89, 1996 ed., are adopted and incorporated by reference.~~

**~~R315-5-9. Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities.~~**

~~— The requirements of 40 CFR 262 subpart K, 262.200—262.216, 2011 ed., are adopted and incorporated by reference with the following exception: substitute "Director of the Division of Solid and Hazardous Waste" for all references made to "Regional Administrator."~~

**~~KEY: hazardous waste~~**

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